

appropriate. The Commission would be required to issue a recommendation within 60 days.

Request for Comments

The Commission invites interested parties to submit their views on the subject matters addressed in the Service's petition, and on its substantive and procedural proposals. In particular, the Commission invites comments on the following topics.

1. The Service's petition acknowledges the influence of the Joint Task Force's recommendations on the development of its proposals. Does that report offer other recommendations not included in the Service's petition that warrant consideration?

2. The petition states, without further elaboration, that existing Commission and judicial precedent create impediments to accommodating many promising ideas for carrying out the Joint Task Force's recommendations. *Id.* at 4. The Postal Service is requested to specify to what judicial precedents the petition refers, and how the proposed rules accommodate these precedents.

3. Any commenter which considers one or more of these proposals to violate current law as judicially interpreted is requested to explain why that proposal might be considered unlawful. Comments addressing whether the proposals are consistent with the Administrative Procedure Act, 5 U.S.C. 556, 557, are requested to specify adequate time periods for various procedural steps.

4. The petition indicates that the proposed rules for market tests and provisional services include certain presumptions that would apply in evaluating Postal Service proposals. *Id.* at 11 and 13. Is inclusion of these presumptions an appropriate approach to Commission review of Service requests? Should these presumptions be specified in the rules?

5. The petition indicates that the Service and Governors believe that improvements in the ratemaking process may require direct legislative change or an explicit clarification that flexibilities already exist in the current law. Moreover, the petition states that certain fundamental changes in the law seem advisable in any event, particularly in basic structural matters and in substantive areas that have been the most controversial in the past. Petition at 3-4. The Postal Service is requested to explain what legislative changes it believes would be needed to foster further expedition and flexibility if the Commission were to adopt the proposed rules.

6. The petition acknowledges the Commission's workload, but nonetheless urges that a rulemaking docket be opened to consider the proposed changes. Petition at 5-6. Should the Commission consider all seven of these proposed changes at this time, or should part or all of the rulemaking be postponed? If some, but not all, of the proposals are considered at this time, which ones should be reviewed first, and which should be deferred? Why?

Issued by the Commission on April 24, 1995.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 95-10944 Filed 5-3-95; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 201-23 and 201-24

Amendment of FIRM Provisions Relating to GSA's Role in Screening Excess and Exchange/Sale Federal Information Processing (FIP) Equipment

AGENCY: Information Technology Service, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Federal Information Resources Management Regulation (FIRM) to allow Federal agencies to screen and transfer excess and exchange/sale FIP equipment.

DATES: Comments are due: July 3, 1995.

ADDRESSES: Comments may be mailed to GSA/KAR, 18th and F Streets NW., Room 3224, Washington, DC 20405, Attn: R. Stewart Randall, or delivered to that address between 8 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: R. Stewart Randall, GSA, Office of Information Technology (IT) Policy and Leadership, Regulations Analysis Division (KAR), 18th and F Streets NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501-4469 (v) or (202) 501-4469 (tdd).

SUPPLEMENTARY INFORMATION: (1) Part 201-23 is being amended to delegate authority and responsibility to agencies regarding the screening and transfer of excess FIP equipment. Currently, the FIRM requires Federal agencies to request GSA to interagency screen and transfer excess FIP equipment that is not outdated and has an original acquisition cost (OAC) per component of \$1 million or more. It is not necessary for GSA to

continue to operate this program on a centralized basis. Accordingly, the requirement for GSA to be directly involved in interagency screening and transfer of excess FIP equipment will be removed from the FIRM.

(2) Explanation of the changes being made in this issuance are shown below:

(a) Section 201-23.000 "Scope of part" is revised by removing paragraphs (b), (c), and (d) to more succinctly describe the entire contents of this revised part.

(b) Section 201-23.001 paragraph (a)(2) is revised and paragraph (a)(4) is deleted to remove the references to the GSA Excess FIP Equipment Program. Agencies will no longer be required to submit to GSA information about their excess FIP equipment with the OAC above \$1 million for GSA to do interagency screening.

(c) Section 201-23.001 paragraph (b) is deleted. Section 201-23.001 paragraph (c) is redesignated as paragraph (b).

(d) Section 201-23.002 paragraph (c) the sentence "Agencies may interagency screen and transfer excess FIP equipment without GSA approval" is added at the end of the paragraph.

(e) Paragraph (b) of section 201-23.003 is redesignated as (c) and a new paragraph (b) is added. In the newly designated section 201-23.003 paragraph (c)(1), the work "internal" will be removed because it is redundant in this context. The words "within the agency" are added at the end of the paragraph to distinguish these procedures for interagency screening from those GSA will require.

(f) Section 201-23.003(c) is redesignated as paragraph (d) and is completely revised to remove the mandatory reporting requirement for agencies to submit equipment with an OAC of \$1 million or more to GSA for interagency screening purposes. The section will now show that agencies must offer to other Federal agencies excess FIP equipment with an OAC of \$1 million or more in accordance with guidelines in FIRM Bulletin C-2.

(g) Section 201-23.003(d) is redesignated as paragraph (e) and is revised to remove words indicating GSA's former role in interagency screening of agencies' excess FIP equipment.

(h) Paragraph (h) is added to § 201-23.003 to show that an agency may request GSA to review another agency's decision to transfer excess FIP equipment.

(i) Section 201-24.202 referencing the GSA Excess FIP Program as a mandatory for consideration program will be removed because changes to part 201-

23 and FIRMR Bulletin C-2 will make the references no longer valid.

(3) GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993, because it is not likely to result in any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Parts 201-23 and 201-24

Archives and records, Computer technology, Federal information processing resources activities, Government procurement, Property management, Records management, and Telecommunications.

Accordingly 41 CFR Ch. 201 is proposed to be amended as follows:

PART 201-23—DISPOSITION

Part 201-23 is revised to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

Sec.

201-23.000 Scope of part.
201-23.001 General.
201-23.002 Policies.
201-23.003 Procedures.

§ 201-23.000 Scope of part.

This part prescribes policies and procedures to be followed by agencies for disposing of Government-owned Federal information processing (FIP) equipment and software that is no longer needed for the purpose for which it was acquired.

§ 201-23.001 General.

(a) Government-owned FIP equipment that is no longer needed for the purpose for which it was acquired is either—

- (1) Reassigned within the agency;
- (2) Declared excess to the agency's needs and made available for transfer to another agency;
- (3) Exchanged or sold as part of a transaction to acquire replacement FIP equipment; or
- (4) Declared surplus and made available for donation.

(b) FIP software that is no longer needed for the purpose for which it was acquired is either—

(1) Reassigned within the agency consistent with the limitations of any applicable license; or

(2) Otherwise disposed of consistent with the limitations of any applicable license.

§ 201-23.002 Policies.

Agencies shall—

(a) Use FIP equipment of FIP software that is available for reassignment within the agency or by transfer from another agency when such use is the most advantageous alternative to satisfy the agency's requirements.

(b) Make available for reassignment within the agency FIP equipment that is not outdated and that is no longer needed for the purpose for which it was acquired.

(c) Make available for interagency screening and transfer to another agency, excess FIP equipment that is not outdated and has an original acquisition cost (OAC) per component of \$1 million or more. Interagency transfer of FIP equipment that is not outdated with an OAC per component of less than \$1 million, is permitted if the holding agency learns of a potential user outside of the screening process. Agencies may interagency screen and transfer excess FIP equipment without GSA approval.

(d) Make available for surplus donation or subsequent sale, excess FIP equipment not exchanged, sold, reassigned or transferred.

(e) Consistent with the limitations of any applicable license—

(1) Make available for reassignment within the agency FIP software that is no longer needed for the purpose for which it was acquired;

(2) Make available for interagency transfer, excess FIP software not exchanged or sold, if the holding agency learns of a potential user outside of the screening process (GSA does not require interagency screening of FIP software);

(3) For excess FIP software not reassigned, transferred, exchanged, or sold, either:

- (i) Return it to the licensor, or
- (ii) Destroy it after a duly authorized agency official determines in writing that destruction is the most cost-effective disposal approach.

§ 201-23.003 Procedures.

(a) Each agency head shall designate an agency point of contact of managing the disposition of FIP equipment and software. Each agency shall submit the name, address, and phone number of this individual to the General Services Administration, Acquisition Reviews Division (KAA), 18th & F Streets, NW., Washington, DC 20405.

(b) GSA will convene meetings with agency points of contacts periodically to

discuss emerging issues relating to the disposition of excess FIP resources.

(c) Agencies shall—

(1) Establish procedures for the reassignment of FIP equipment and software within the agency; and

(2) Obtain approval from the agency DSO before reassigning outdated FIP equipment.

(d) Agencies shall offer excess FIP equipment that is not outdated and has an OAC per component of \$1 million or more to other Federal agencies in accordance with FIRMR Bulletin C-2.

(e) Agencies may conduct exchange/sale transactions of FIP equipment and software not transferred to another agency without GSA approval. (Exchange/sale transactions for FIP equipment may be initiated in parallel with interagency screening, but screening of exchange/sale transactions with an OAC per component of \$1 million or more shall be completed prior to concluding an exchange/sale transaction.) When an agency determines that FIP equipment will be replaced by exchanging or selling it, the agency shall follow the contracting policies and procedures in part 201-39 and the Federal Acquisition Regulation (FAR) and the policies and procedures on exchange/sale contained in 41 CFR part 101-46. FIP software transactions must be consistent with the limitations of any applicable license.

(f) Agencies shall make available for surplus donation or subsequent sale, in accordance with 41 CFR parts 101-44 and 101-45, excess FIP equipment not exchanged, sold, reassigned, or transferred.

(g) Agencies shall apply the policies and procedures of this part 201-23 to FIP equipment used by grantees and contractors when FIP equipment is—

(1) Acquired by the contractor or grantee under a contract or grant and the terms vest title in the Government or the Government is obligated or has the option to take over title;

(2) Furnished to the grantee or contractor by the Government (Transfer of excess FIP equipment to agency project grantees shall be conducted in accordance with 41 CFR 101-43.314.); or

(3) Operated by the grantee or contractor as part of a Government-owned or Government-controlled facility.

(h) Agencies may request GSA to review another agency's decision to transfer excess FIP equipment. Requests shall be sent to the General Services Administration, Acquisition Reviews Division, (KAA), 18th & F Streets, NW., Washington, DC 20405.

PART 201-24—GSA SERVICES AND ASSISTANCE

2. The authority citation for part 201-24 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201-24.202 [Reserved]

3. Section 201-24.202 is removed and reserved.

Dated: March 22, 1995.

Francis A. McDonough,

Acting Deputy Commissioner for Information Technology (IT) Policy and Leadership.

[FR Doc. 95-10999 Filed 5-3-95; 8:45 am]

BILLING CODE 6820-25-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 95-53, RM-8613]

Radio Broadcasting Services; Eugene, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Conway Broadcasting seeking the allotment of Channel 265A to Eugene, OR, as the community's fifth local FM service. Channel 265A can be allotted to Eugene with a site restriction of 7.1 kilometers (4.4 miles) southeast, at coordinates 44-00-52 North Latitude; 123-00-50 West Longitude, to avoid a short-spacing to the pending application (BPH-940708IZ) of Station KZUS-FM, Channel 264C2, Toledo, OR.

DATES: Comments must be filed on or before June 22, 1995, and reply comments on or before July 7, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lars Conway, Conway Broadcasting, 4415 Fremont Avenue, South, Minneapolis, MN 55409 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-53, adopted April 19, 1995, and released May 1, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M

Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-11013 Filed 5-3-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-49, RM-8558]

Radio Broadcasting Services; Llano and Marble Falls, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Maxagrid Broadcasting Corporation, licensee of Station KLKM(FM), Channel 284C3, Llano, Texas, seeking the substitution of Channel 285C3 for Channel 284C3, the reallocation of Channel 285C3 from Llano to Marble Falls, Texas, and the modification of Station's KLKM(FM)'s license to specify Marble Falls as the station's community of license. Channel 285C3 can be allotted to Marble Falls in compliance with the Commission's minimum distance separation requirements with a site restriction of 16.1 kilometers (10.0 miles) southeast to accommodate Maxagrid's desired site. The coordinates for Channel 285C3 at Marble Falls are 30-26-45 and 98-11-45. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 285C3 at Marble Falls or

require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties. In addition, since Marble Falls is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

DATES: Comments must be filed on or before June 22, 1995, and reply comments on or before July 7, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John Joseph McVeigh, Esq., Multinational Legal Services, P.C., 11 Dupont Circle, Suite 700, Washington, D.C. 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2173.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-49, adopted April 19, 1995, and released May 1, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments.

See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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